

Fishermen's United Services Cooperative of St. Croix

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Buck Island Congressional Testimony Written Statement

My name is Robert N. McAuliffe, President of Fishermen's United Services Cooperative of St. Croix, I speak on behalf of the Co-op members and the fishing community in general.

My involvement with Buck Island, though a bit more personal, is reflective of that of the fishing community of St. Croix. This relationship also applies to Christiansted town and Salt River. I will confine my comments to Buck Island as it will affect the most people in the short term.

Prior to my birth my family kept goats on Buck Island. They were accessible only to the larger boats that were fitted with sail. To row a small boat out to the island to shoot a few goats then row back to the main island was not an easy feat. When the Government built the lighthouse on the island the workers hunted the goats to extinction. My earliest recollection of Buck island was looking at it from the porch of the family shack while helping my uncles knit a net to catch giant parrot fish and turtles on the lea side of the island. By this time the family had access to one of the first outboard engines on St. Croix, a ten hp Johnson owned by Dr. Evans a gentleman who went on to become our first elected governor.

In the early 50s during my first year of high school I would go with one of my uncles to guide tourists at Buck Island on snorkeling and spear fishing trips. I received my first mask as a gift from one of the tourist. It was the latest, a full face mask with two snorkels with ping pong ball valves. What started out as simple hospitality to some friendly tourist by a couple of young Cruzan men has grown into a major tourist attraction and National Monument.

Harvesting the sea has been my reason for living from my earliest memories. On completing my military service with the US Coast Guard, I took the first flight back to St. Croix and its familiar fishing grounds. After providing, with the help of many relatives, shelter for my wife and two young sons, I started my adult fishing career.

This brief introduction will hopefully help demonstrate to the subcommittee that even though I have fifty years of fishing experiences many of my most vivid memories are rooted in the waters around Buck Island. For example, my first 30 lb king fish caught while fishing for yellow tail snapper with a hand line made of cotton marline twine. That event took place 49 years ago and I still remember the exact land marks for the spot.

The purpose of this exercise is not to sit here all morning telling fish stories, but to convince this

subcommittee of the importance of the waters around the original park boundaries, and I highlight original boundaries, to the commercial fishing industry, the charter fishing industry, and the community as a whole.

I do not feel that the Park Service has the moral right to ask the people of the Virgin Islands to surrender their management rights to the fishing grounds around the Buck Island National Monument when they, the Park Service, have failed for over 40 years to fully protect the stocks under their jurisdiction. It is an insult to the community that has, with very few exceptions, respected the authority and rules of the Service. For this Service to attempt to use the ambiguities and the failures of their own rules to take public lands of the Virgin Islands from the people of the Virgin Islands through Presidential Proclamation is unacceptable. (Title 36, Chapter 1 Code of Federal Regulations - Presidential Proclamation 7392 of January 17, 2001)

Code of Federal Regulations, Title 36, Chapter 1

§ 7.73 Buck Island Reef National Monument. Paragraphs (e) (1) through (e) (5) are unenforceable and do not impart any meaningful protection to the fish stocks. It is only through the good will conservation and misunderstanding of the regulations by the people of St. Croix that the fish stocks within the Monument boundaries gained any relief.

These five paragraphs, as written, are an open mandate to strip the Monument of all fish life. The fact that these regulations are still on the books is a clear demonstration that the Park Service is not equipped with the knowledgeable staff or the understanding to properly manage the underwater portion of the Monument. This is also a strong argument against any additional expansion of the original boundaries.

A situation that I find particularly troubling falls under paragraph (e) (1). *Provided*, That fish may be taken by pots or traps of conventional Virgin Islands design and are not larger than five feet at the greatest dimension. When I discussed this with Joel Tutein recently he informed me that the Park Service did in fact permit the setting of traps within the Monument boundaries provided they met the size restriction and that they were not marked with a buoy. When Secretary Babbitt was taken on his now famous dive tour, traps were discovered with fish in them that were not marked with a buoy and labeled as ghost traps. The presence of ghost traps in the area has been given as one of the justifications for the need to expand the Monument boundaries. I would suggest that this situation warrants a complete re-evaluation with public input.

Net mesh size restrictions speak to the minimum size of the mesh not the maximum size.

There is no mention of cast nets in the regulation even though it is the most common type of bait net. Cast nets are measured by their hanging length or radius. The diameter of a 20 foot cast net would be 40 feet, a real monster net.

(e) (2) This paragraph is too ambiguous, mask, fins and snorkels could be considered spearfishing equipment as they are used for spear fishing.

(e) (3) The taking of lobster by hand held hook is illegal in Virgin Islands waters and most other parts of the world. A boat with eight people on board would be technically legal if found to have thirty two (32) lobsters in their possession within the Monument boundaries. That is a lot of lobster.

(e) (4) There is no mention of the size limits or closed seasons that apply to both conch and whelk in VI

waters. Does that mean that as long as they are harvested and consumed within the Monument boundaries that it is permissible to violate Virgin Islands' Law?

(e) (5) This is another example of ambiguity. Only the means of taking is prohibited, possession is not. A person would have to be caught in the act to be in violation.

A great deal can be achieved by bringing all parties to the table from the beginning with frank discussions and good faith negotiations. The Virgin Islands Government must accept a full share of the blame for this situation for they are paid by the people to keep the populace fully informed and in the loop. It is the duty of the local Government to defend the property rights of the people of the Virgin Islands from all threats including those from the Federal Government. Where are all these defenders that we the people pay such high salaries to?

In closing I would like to make the point that if, after all our arguments in favor of the local fishing industry's rights and need to make a fair living, we still lose these rich fishing grounds to the Park Service the fishermen should be fairly compensated.

Considering that we have 224 licensed fishermen on St. Croix and all of them will be affected in some degree over the remainder of their lives I would suggest that each license holder be paid \$100,000.00. These compensation payments should be administered directly by the Park Service or some other Federal agency, but not by the local Government.

Thank you

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President